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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,172	11/03/2003	Janice E. Merola	SP03-160	9566
20874	7590	05/18/2005	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			LOPEZ, CARLOS N	
		ART UNIT	PAPER NUMBER	
		1731		

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/700,172	MEROLA ET AL
Examiner	Art Unit	
Carlos Lopez	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 May 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 November 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/5/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a method of producing glass substrates, classified in class 65, subclass 107.
- II. Claims 9-15, drawn to an apparatus for producing a glass substrate, classified in class 249, subclass 80.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case apparatus as claimed can be used to practice another and materially different process such as bending plastic, non-glass material, sheets.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Kevin Able on 5/9/05 a provisional election was made without traverse to prosecute the invention of group I, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### *Drawings*

Figures 2-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. In particular, the descriptions of figures 2-3 in the drawing filed on 11/3/03 notes as being "typical", hence prior art. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The amendment filed on 9/17/04 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In the brief description of figure 3, the amendment to the specification now recites that figure 3 is an embodiment of the claimed invention. However, the originally filed drawing in figure 3 notes the figure as being a "typical glass/cassette configuration". Hence, applicant is now incorporating a conventional glass/cassette configuration, as originally described in the drawings, as being new, a contribution over the prior art, when in fact said incorporation is not supported in the originally filed specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bitter (US 4,655,811). Bitter discloses a method for producing a curved glass member. The

claimed step of "providing a processing fixture including at least one curved support member having a predetermined curvature, the at least one curved support member being configured to support the at least one glass substrate" is shown by figure 3 and detailed in Col. 8, lines 25ff. The claimed step of "placing the at least one glass substrate on the at least one curved support member" is deemed as the placing of the glass sheets 1 and 2 on curved support members 121-123 as shown in figure 3. The claimed step of "heating the at least one glass substrate to a predetermined temperature for a predetermined period of time", is deemed as bending the glass by heating the glass to temperature of 660<sup>o</sup>C as noted in Col. 12 lines 33ff, for which the claimed predetermined time is deemed as the time it takes to bend the glass sheet.

In Col. 8, lines 26ff, Bitter notes that the glass is heated sufficiently near its softening point to cause the glass to sag down into the hinged support members 121-123. Bitter in disclosing the glass is "heated sufficiently near its softening point", clearly envisage that the heating temperature to bend the glass may be below or above its softening point.

Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that Bitter heats the glass sheet below the softening point in order to provide a bend on the glass sheet. The teaching of Bitter of "heated sufficiently near its softening point to cause the glass to sag" thus encompasses temperatures that are below and above the softening point of glass since either temperature can provide for the claimed effect of causing a glass shape change, as instantly claimed.

As for claim 3, glasses 1 and 2 are supported by the support members.

As for claims 5-6, while Bitter is silent disclosing the time required to sag the glass onto the curved substrate, it is deemed that is obvious to a person of ordinary skill in the art that the time would depend on the applied temperature being weight against the desired rate of production. Hence, the claimed heating times are obvious process parameters to a person of ordinary skill in the art that are depended, *inter-alia*, on the desired rate of production and heating temperature.

As for claim 7, the glass is bend to impart a desired curvature on the glass. Consequently, the glass is bend for the intention of having the glass retain a curvature.

As for claim 8, Bitter notes that the glass is coated with a carbonaceous paint film to prevent crazing of the glass substrate to avoid a reduction in transmittance or cause the glass to be hazy (See Col. 2, lines 45ff and 60ff and Col. 9 lines 3ff). Hence clearly suggesting to a person of ordinary skill in the art that the curved support members for which the glass substrate is bend on should be made of inert material that does not interact or contaminate the glass substrate in order to avoid a reduction in light transmittance of the glass or cause the glass to be hazy.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References B-G have been cited to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is 571.272.1193. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571.272.1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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